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ORIGIN OFA-01

INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-04

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 IO-10 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

NSCE-00 SSO-00 USIE-00 INRE-00 /111 R

DRAFTED BY OES/OFA/MST:WLSULLIVAN:MAC

APPROVED BY OES/OFA - RLRIDGWAY

OES/OFA/FA - LNAKATSU

L/OES - BOXMAN

EUR/EE - MR. MILLER

EUR/SOV - MR. COLBERT

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FM SECSTATE WASHDC

TO AMEMBASSY SOFIA IMMEDIATE

AMEMBASSY MOSCOW

AMEMBASSY WARSAW

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E.O. 11652: N/A

TAGS:ICNAF, OCON, XN, BU

SUBJECT:BULGARIAN INTENTION TO ENTER RESERVATION
REGARDING MONTREAL ICNAF DECISION

REF: SOFIA 2767

1. DEPARTMENT APPRECIATES AMBASSADOR'S PERCEPTIVE
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REACTION TO SUGGESTION THAT BULGARIA MIGHT ENTER

FORMAL OBJECTION TO ICNAF MONTREAL COMPROMISE. SUCH ACTION BY BULGARIA WOULD IN PRACTICAL EFFECT BRING DOWN ENTIRE ICNAF HOUSE OF CARDS AND PROBABLY WOULD INSURE PASSAGE BY CONGRESS OF 200 MILE FISHING LEGISLATION. AMB. YONKOV WILL UNDERSTAND IMPLICATIONS.

2. TIME PERIODS INVOLVED ARE THREE. FIRST IS SIX-MONTH PERIOD COMMENCING JULY 16 IN WHICH OBJECTIONS MAY BE FILED TO PROPOSALS FROM 1975 ANNUAL MEETING. SECOND IS SIX MONTH PERIOD COMMENCING OCTOBER 14 IN WHICH OBJECTIONS MAY BE FILED TO MONTREAL PROPOSALS. THIRD IS PERIOD ENDING DECEMBER 31. THIS RELATES TO RESOLUTION ADOPTED BY ICNAF AT MONTREAL RECOGNIZING THAT MONTREAL COMPROMISE WOULD NOT TAKE LEGAL EFFECT UNTIL SOME TIME INTO 1976, WELL AFTER COMMENCEMENT OF FISHING SEASON UNDER NORMAL PROCEDURES. RESOLUTION STIPULATES THAT REGULATION SHOULD APPLY THROUGHOUT 1976 AND REQUESTS GOVERNMENTS TO IMPLEMENT PROPOSAL ACCORDINGLY. IT CONCLUDES WITH EXPECTATION THAT THIS COURSE OF ACTION WILL BE FOLLOWED UNLESS ANY MEMBER ELIGIBLE TO PRESENT OBJECTION DOES SO PRIOR TO JANUARY 1. ONLY OBJECTIONS FILED TO DATE HAVE BEEN BY U.S. AND SPAIN TO ANNUAL MEETING PROPOSAL FOR SECOND TIER QUOTA REGULATION FOR AREA OFF US COAST. THESE OBJECTIONS HAVE BEEN WITHDRAWN. US WITHDRAWAL OF OBJECTION WAS COUPLED WITH THREE CONDITIONS. ONE WAS THAT ALL OTHER OBJECTIONS ARE WITHDRAWN WHICH HAS NOW BEEN ACCOMPLISHED WITH SPANISH WITHDRAWAL. SECOND WAS THAT NO MEMBER FILES AN OBJECTION UNDER THE ABOVE-MENTIONED RESOLUTION. THIRD WAS THAT NO OBJECTION BE MADE TO THE MONTREAL QUOTA PROPOSAL. INFORMATION CONCERNING US WITHDRAWAL AND CONDITIONS WAS CIRCULATED BY DEPARTMENT AS DEPOSITARY GOVERNMENT TO ALL ICNAF EMBASSIES IN WASHINGTON ON NOVEMBER 26 BY CIRCULAR NOTE. THUS, A FILING OF AN OBJECTION BY BULGARIA WOULD HAVE EFFECT OF REINSTATING US OBJECTION AND DESTROYING MONTREAL COMPROMISE.

3. SUCCESS OF ICNAF IN COPING WITH THESE PROBLEMS
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HAS BEEN A PRINCIPAL POINT MADE BY ADMINISTRATION IN OPPOSING 200 MILE LEGISLATION. FAILURE OF MONTREAL COMPROMISE WOULD UNDOUBTEDLY BE CITED BY CONGRESSIONAL PROPONENTS OF LEGISLATION AS PROOF POSITIVE THAT INTERNATIONAL COOPERATIVE APPROACH DOES NOT WORK AND THE ONLY WAY TO CONTROL OVERFISHING IS THROUGH UNILATERAL LEGISLATION. PASSAGE OF LEGISLATION WOULD UNDOUBTEDLY LEAD TO SIMILAR ACTIONS BY OTHER

COUNTRIES SUCH AS CANADA AND WOULD HAVE EXTREMELY ADVERSE IMPACT ON FORTHCOMING LAW OF SEA CONFERENCE NEGOTIATIONS.

4. WHILE BULGARIAN FISHING IN QUESTION IS SMALL, THE COMPROMISE WAS SO TENUOUS THAT A BULGARIAN OBJECTION WOULD UNDOUBTEDLY LEAD TO OTHER OBJECTIONS AS WELL EVEN LEAVING ASIDE COMPLICATION REGARDING US OBJECTION OUTLINED ABOVE. AT LEAST ONE OTHER MEMBER HAS EXPRESSED ITS KEEN UNHAPPINESS AT MONTREAL COMPROMISE BUT HAS NOT INDICATED IT WILL CARRY THIS THROUGH TO FILING OBJECTION. DEPARTMENT PERCEIVES THAT ATTITUDE MIGHT CHANGE WITH FILING OF BULGARIAN OBJECTION. OTHER PRINCIPAL PARTIES TO COMPROMISE MIGHT THEN ALSO BE EXPECTED TO FILE OBJECTIONS.

5. EFFECT WOULD BE TO LEAVE FISHERY OFF US EAST COAST LARGELY UNREGULATED FOR 1976 UNTIL SUCH TIME AS NEW ICNAF COMPROMISE MIGHT BE PUT IN PLACE OR UNTIL 200 MILE LEGISLATION MIGHT TAKE EFFECT. IN CIRCUMSTANCES IT WOULD APPEAR THAT CHANCES OF NEW ICNAF COMPROMISE MIGHT BE DIM. WHILE THIS MATTER MIGHT BE ADDRESSED AT ICNAF MEETING COMING UP IN LATE JANUARY, THE AGENDA FOR THAT MEETING IS ALREADY HEAVY. FURTHERMORE, UNDER ICNAF PROCEDURES UNANIMOUS AGREEMENT WOULD BE NECESSARY TO ADD TO AGENDA AND THAT MAY NOT BE POSSIBLE IN CIRCUMSTANCES.

6. IT IS DIFFICULT TO SEE HOW MONTREAL COMPROMISE COULD FINISH BULGARIAN FISHING IN NORTH ATLANTIC. BULGARIAN QUOTA SET IN MONTREAL IS ONLY 1900 TONS LESS THAN THAT SET AT 1975 ANNUAL MEETING WHICH BULGARIANS AGREED TO. AT LEVEL OF 14,400 TONS LIMITED OFFICIAL USE

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BULGARIAN FLEET SHOULD BE ABLE TO CONDUCT VIABLE FISHERY. THREE OTHER MEMBERS HAVE MUCH SMALLER QUOTA AND SEVERAL OTHERS HAVE QUOTAS SIMILAR IN MAGNITUDE TO THAT OF BULGARIA. RATHER, FILING OF BULGARIAN OBJECTION MIGHT FINISH BULGARIAN FISHERY. IF BULGARIAN OBJECTION WERE CORNERSTONE TO FAILURE OF MONTREAL COMPROMISE AND PASSAGE OF 200 MILE LEGISLATION, IT IS DOUBTFUL USG COULD DEMONSTRATE MUCH SYMPATHY TOWARDS CONTINUATION OF BULGARIAN FISHERY WITHIN 200 MILE LIMIT. SUCH CONTINUATION WOULD HAVE TO BE VIEWED IN LIGHT OF SEVERE RESTRICTIONS NECESSARY TO RESTORE STOCKS AND COOPERATION TOWARD THAT END DISPLAYED BY VARIOUS PARTICIPANTS IN FISHERY. SOME PARTICIPANTS SUCH AS SOVIET UNION AND POLAND HAVE DEMONSTRATED CONSIDERABLE COOPERA-

TION AND HAVE ABSORBED MASSIVE CUTS IN THEIR QUOTAS.

7. FOR MOSCOW AND WARSAW: IN YOUR DISCRETION
PLEASE BRING MATTER TO ATTENTION OF APPROPRIATE
FISHERIES AND FOREIGN MINISTRY OFFICIALS. POSSIBLE
RESULT OF CONTEMPLATED BULGARIAN ACTION DISCUSSED
ABOVE COULD HAVE SEVERE IMPACT ON SOVIET AND POLISH
FISHING INTERESTS WORLDWIDE AS WELL AS LOS
INTERESTS. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GOVERNMENT REACTION, POLICIES, FISHERIES MEETINGS, FISHING REGULATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE299422
Document Source: CORE
Document Unique ID: 00
Drafter: WLSULLIVAN:MAC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750442-0352
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751226/aaaaawwz.tel
Line Count: 178
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN OFA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 SOFIA 2767
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2003 by BoyleJA>; APPROVED <13 AUG 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ULGARIAN INTENTION TO ENTER RESERVATION REGARDING MONTREAL ICNAF DECISION
TAGS: OCON, XN, BU, ICNAF
To: SOFIA WARSAW
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006